United Nations S/2003/466

Security Council

Distr.: General
22 April 2003

Original: English

Second report of the Secretary-General pursuant to Security Council resolution 1408 (2002) regarding Liberia

I. Introduction

1. In paragraph 1 of resolution 1408 (2002) of 6 May 2002, the Security Council decided that the Government of Liberia had not complied fully with the demands in paragraph 2 (a) to (d) of resolution 1343 (2001).

2. In paragraph 2 (a) to (d) of resolution 1343 (2001), the Security Council demanded that Liberia take the following steps:

(a) Expel all Revolutionary United Front (RUF) members from Liberia including such individuals as are listed by the Committee established by paragraph 14 of the resolution, and prohibit all RUF activities on its territory, provided that nothing in this paragraph shall oblige Liberia to expel its own nationals from its territory;

(b) Cease all financial and, in accordance with resolution 1171 (1998), military support to RUF, including all transfers of arms and ammunition, all military training and the provision of logistical and communications support, and take steps to ensure that no such support is provided from the territory of Liberia or by its nationals;

(c) Cease all direct or indirect import of Sierra Leone rough diamonds which are not controlled through the certificate of origin regime of the Government of Sierra Leone in accordance with resolution 1306 (2000);

(d) Freeze funds or financial resources or assets that are made available by its nationals or within its territory or indirectly for the benefit of RUF or entities owned or controlled directly or indirectly by RUF.

3. The present report is submitted pursuant to paragraph 11 of resolution 1408 (2002), in which the Security Council requested a report by 21 October 2002, and thereafter at six-monthly intervals from that date, drawing on information from all relevant sources, including the United Nations Office in Liberia, the United Nations Mission in Sierra Leone (UNAMSIL) and the Economic Community of West African States (ECOWAS), on whether Liberia had complied with the demands referred to in paragraph 1 of resolution 1408 (2002).

4. As requested in paragraph 11 of resolution 1408 (2002), the second report contains information provided to the United Nations Office in Liberia by the

03-32953 (E) 230403

Government of Liberia regarding measures taken by the Government of Liberia in compliance with paragraph 2 (a) to (d) of resolution 1343 (2001).

II. Information provided by the United Nations Office in Liberia, UNAMSIL and ECOWAS regarding Liberia's compliance with paragraph 2 of resolution 1343 (2001)

A. Information provided by the Government of Liberia through the United Nations Office in Liberia

5. As stated in my previous reports on this subject, the United Nations Office in Liberia still lacks the appropriate capacity to provide independent confirmation of claims by the Government of Liberia regarding its compliance with the demands contained in paragraph 2 (a) to (d) of resolution 1343 (2001). However, on the basis of information provided by the Government of Liberia, the Office has reported the following:

6. With regard to paragraph 2 (a) and (b) of resolution 1343 (2001), the Government of Liberia reiterated its earlier statements, contained in my second and third reports pursuant to that resolution, as well as in my previous report (S/2002/1183) pursuant to Security Council resolution 1408 (2002), to the effect that its policy of disengagement with RUF, which it adopted on 12 January 2001, remained unchanged.

7. While reaffirming the expulsion of Sam Bockarie prior to the adoption of resolution 1343 (2001), the Liberian Minister for Foreign Affairs quoting the Consul of Côte d'Ivoire in Monrovia, who had disclosed the presence of Sam Bockarie in Côte d'Ivoire, reinforced the earlier stance of the Government of Liberia that the former RUF rebel commander was not in Liberia. The Government further noted that almost one year after successful democratic elections were held in Sierra Leone, there had been no reports of armed hostilities in Sierra Leone that could be even remotely linked to Liberia.

8. On the issue of strengthening peace and security within the Mano River Union, the Government of Liberia stated that it continued to place a considerable premium on the Rabat process, in the expectation that a second summit at the capital of Morocco would help enhance the objectives of peace and security in the subregion.

9. With regard to paragraph 2 (c) of resolution 1343 (2001), the Government of Liberia reiterated earlier statements to the effect that the ban on the importation of uncertified rough diamonds continued to remain in force. Concerning the export of diamonds, the Government stated that it had now set in motion measures that would ensure that only diamonds produced in Liberia would be exported with the Kimberley Process certificate of origin. The measures included the organization of all licensed miners into cooperatives, a system to monitor the production of all miners under the coordination of the Ministry of Land, Mines and Energy, and the plan to computerize the system of identifying all miners while tracking their production and sales to licensed buyers.

10. The Government further indicated that its Ministry of Land, Mines and Energy had been designated as the official coordinator of the implementation of the

Certification Scheme with the Ministry of Finance and the Central Bank as partners. The office for the implementation of the scheme would be within the Ministry of Land, Mines and Energy. The office, to be known as the Mineral Appraisal and Certificate Centre, would be provided with all relevant equipment, including computers and Internet services established by the Kimberley Process.

11. The Government of Liberia further reported that, owing to mining activities by Liberians United for Reconciliation and Democracy (LURD) rebel movement in the diamond-producing areas, it was not in a position to determine which diamonds were being mined by the rebels. The Government, however, expressed the hope that through the steady implementation of the Certification Scheme in Liberia, the activities of LURD in the diamond areas would be curtailed.

12. The Government further noted that the Central Bank had been included as one of the agencies participating in the process to ensure that all cash purchases of rough diamonds were routed through official banking channels as prescribed by the banking laws of Liberia.

13. The Government of Liberia, through the Ministry of Land, Mines and Energy, divided the entire country into mining districts, representatives of the Ministry being present in each district. Every mining area was partitioned into parcels of 12 to 25 acres. As prescribed in the mining and minerals law of Liberia, mining was not allowed without a valid licence. The law was strengthened further by the amendment that took into consideration the recommendations laid out in the working documents under the Kimberley Process.

14. The Government also stated that at present there was no industrialized diamond mining in Liberia. All mining activities were undertaken by local or small-scale miners. The laws of Liberia provided for strict monitoring of the production of would-be mining companies as they did for skilled miners.

15. The Liberian authorities further disclosed that they planned to use computerized cards throughout the country when qualified miners were issued licences. The licence had been formatted to contain all personal data of each miner, including name, address, nationality and/or residence status and the area the miner was authorized to mine in for the particular licensee. Each miner would be given a unique identity number.

Certification

16. The certificate produced by the Government of Liberia for the exportation of Liberian rough diamonds met all the requirements set out by the Kimberley Process. These include:

Watermark
Fluorescent marks
Rainbow printing
Tear-off sections
Unique numbering
Copy/tamper-proof paper

17. The certificate also contained basic information on the shipment, including origin and destination; exporter and importer; weight; value; date of issuance; expiration date; validation of certificate by the exporting authority; number of

parcels in shipment; issuing authority; and description of shipment. A sample Kimberley Process certificate is annexed for ease of reference.

18. In my previous reports on the compliance of Liberia with the demands in paragraph 2 (a) to (c) of resolution 1343 (2001), I informed the Security Council that UNAMSIL had repeatedly stated that it did not possess the capacity to monitor compliance with that paragraph of the resolution.

19. With regard to paragraph 2 (d) of resolution 1343 (2001), the Government of Liberia stated that it had no additional information beyond the steps it had taken previously, prior to the submission of my first report to the Council, of 30 April 2001 (S/2001/424). In paragraph 14 (a) and (b) of my second report (S/2001/1025), I transmitted information on the measures that the Government of Liberia had adopted with regard to paragraph 2 (d) of resolution 1343 (2001). For the purposes of the present report, the Government of Liberia reiterated that its position on the matter remained unchanged.

B. Information from the United Nations Mission in Sierra Leone

20. For the present report, UNAMSIL stressed that it had not observed any indication of continued support to RUF by the Government of Liberia, either financially or logistically. UNAMSIL stated that note should be taken of the confirmed reports emanating from the Mapeh internment camp to the effect that some Sierra Leoneans had been recruited by the Armed Forces of Liberia.

C. Information provided by the Economic Community of West African States

21. An ECOWAS mediation and security verification mission, composed of representatives from Côte d'Ivoire, Ghana, Mali, Nigeria, Togo and the ECOWAS secretariat, was dispatched to Liberia from 7 to 11 April 2003 to verify that country's compliance with the demands contained in resolution 1343 (2001) as requested in paragraph 11 of resolution 1408 (2002). Guinea could not participate in the mission because of the objection of the Government of Liberia on the grounds that Guinea was involved in the Liberian conflict.

22. The mission met with officials of the Government of Liberia as well as with representatives of international organizations, diplomatic missions and members of civil society collectively referred to as unofficial sources.

Expulsion of members of the Revolutionary United Front from Liberia (paragraph 2 (a) of resolution 1343 (2001))

23. The Government of Liberia maintained that RUF as a rebel group no longer existed, since it had been transformed into a political party, the Revolutionary United Front Party (RUFP), and had contested the elections in Sierra Leone in April 2002. However, unofficial sources indicated that some elements of RUF remained in Liberia. It was also alleged that Sam Bockarie and some RUF elements were engaged in the western front of the Ivorian conflict, with the connivance of the Government of Liberia.

Financial and military support to the Revolutionary United Front (paragraph 2 (b) of resolution 1343 (2001))

24. The Government of Liberia discounted the existence of financial and military support for RUF, since RUF did not exist. Some unofficial sources claimed that there was some form of support, which had enabled some RUF elements to be involved in destabilization activities against neighbouring countries, namely Sierra Leone, Guinea and Côte d'Ivoire.

Direct and indirect importation of rough diamonds from Sierra Leone (paragraph 2 (c) of resolution 1343 (2001))

25. The Government of Liberia claimed that there had been a ban on the import of rough diamonds from Sierra Leone. It asserted further that the Government had been incapable of extracting rough diamonds from Liberian territory because most of the diamond-producing areas were under the control of rebels. Unofficial sources could not confirm the existence of trade in rough diamonds from Sierra Leone. They confirmed, however, the inability of the Government to extract diamonds from areas controlled by the rebels.

Certificate of origin regime for trade in rough diamonds

26. The Government of Liberia asserted that it had taken measures to establish an internationally verifiable certification process and had received technical assistance from a South African company. The completed certification regime had been formally presented to the Kimberley Process committee in Pretoria for approval. After approval by the committee, the certification regime would be presented to the Security Council. An unofficial source confirmed the claims of the Government of Liberia on the issue.

Use of Liberian territory by individuals and armed groups to prepare attacks against neighbouring countries

27. The Government of Liberia claimed that its territory had never been used by any individual or armed groups, with the approval or support of the Liberian Government, for attacks against neighbouring countries. On the contrary, the rebels of LURD and some Liberian mercenaries were receiving active support from Guinea and Côte d'Ivoire respectively to destabilize the Government of Liberia. Unofficial sources claimed that the Government of Liberia had links with some armed groups operating on the border with Guinea and occasionally made incursions into Guinean territory. Those activities had led to the death of several people on the Guinea side. Furthermore, the source claimed that the armed groups on the western side of Côte d'Ivoire had bases in Liberia and possibly the support of the Government of Liberia.

Importation of arms, ammunition, vehicles and equipment

28. The Government of Liberia informed the ECOWAS mission that it had imported arms and ammunition into the country for self-defence in the wake of the war that was forced on the Government by the rebels of LURD. The source added that the decision was in accordance with Article 51 of the Charter of the United Nations on the right to self-defence. The Security Council had been notified about the importation of arms and ammunition. That information was conveyed in a letter dated 20 March 2002 from the Minister for Foreign Affairs of Liberia to the

President of the Security Council. Unofficial sources confirmed that the Government of Liberia was indeed importing arms and ammunition as well as vehicles, in direct contravention of Security Council resolution 1343 (2001). However, some of the sources maintained that the arms embargo on the Government of Liberia was no longer justified in view of the current war with the rebels of the LURD.

D. Measures taken to comply with Security Council demands

29. The Government of Liberia stated that it had taken the necessary measures to comply with all the demands of the Security Council in the following areas:

(a) Disengagement from and support for RUF;

(b) Banning the importation of rough diamonds from Sierra Leone;

(c) Preparation of an internationally recognized certificate of origin regime;

(d) Non-use of Liberian territory by individuals or rebel groups to destabilize neighbouring countries;

(e) Non-provision of financial, technical or related assistance to individuals or rebel groups to destabilize neighbouring countries.

30. On the issue of the importation of arms and ammunition, the Government explained that it had to invoke Article 51 of the Charter of the United Nations in order to defend the sovereignty and territorial integrity of Liberia in the wake of attacks by the rebels of LURD. The Government gave the mission a document entitled "Submission to the United Nations Panel of Experts on Liberia by the Government of Liberia".

31. The ECOWAS mediation and security verification mission observed that it had not found any evidence of support to RUF or any other armed rebel group by the Government of Liberia. Furthermore, the Government of Liberia, in cooperation with the Kimberley Process committee in Pretoria was preparing the internationally recognized certificate of origin regime. There was no evidence of the presence of RUF members in Liberia.

32. However, the mission drew attention to the following: on the basis of the discussions it held with the official and unofficial sources, the mission was of the view that the situation in Liberia was critical and required the immediate intervention of the international community in general and ECOWAS in particular.

E. Observations of the ECOWAS mission

33. The observations of the ECOWAS mission are based on the following:

(a) According to the sources contacted, about 60 per cent of the territory of Liberia was under rebel control;

(b) The situation of refugees and internally displaced persons was deteriorating and the humanitarian agencies had no access to most of them;

(c) There was now no safe haven for internally displaced persons because they were constantly attacked and abducted by rebel groups and Government security agents and sent to the front lines;

(d) The political situation was fragile, especially because of threats to opponents of the Government and the abuse of human rights by Government agents and the rebel groups;

(e) Sanctions were being blamed for everything and used as a pretext for the Government not meeting its responsibilities to the people;

(f) All social services were in a state of disrepair and the working population had not been paid for months, in some cases for over one year;

(g) The Government was still not committed to dialogue with the rebels of LURD or the new group that has emerged under the name Movement for Democracy in Liberia;

(h) The sanctions did not appear to affect in any significant way the members of the Government and their close relatives.

34. Under the circumstances, the ECOWAS mission made the following recommendations:

(a) There is an urgent need for a ceasefire between the Government and the rebel groups. What the vast majority of the people of Liberia want is peace and they are looking to the international community in general and ECOWAS in particular;

(b) A formal dialogue and negotiation process should be established as soon as possible between the warring factions in the conflict;

(c) The possibility of confining Government security agents and rebel groups to prevent them from carrying out some of the atrocities that they have been accused of should be examined;

(d) An international force should be brought in to maintain peace and security, particularly in view of the impending presidential and legislative elections;

(e) There is the need to create safe humanitarian corridors to facilitate access to internally displaced persons and refugees;

(f) A way must be found to limit the flow of arms and ammunition to Liberia and the Mano River Union area;

(g) The leaders of Liberia, Guinea and Sierra Leone should be encouraged to pursue the peace process that was begun in Rabat in February 2002.

F. Observations

35. As members of the Council are aware and as the report of the ECOWAS mission indicates, the security situation in Liberia has deteriorated so badly that it has become extremely difficult to reach internally displaced persons and third country refugees who have now fallen victim to abductions, conscriptions and various gross violations of human rights.

36. Whatever decision the Council may take in response to the present report, it must not lose sight of the urgent need to find an early solution to the conflict in Liberia, whose deleterious effect is fast spreading throughout an already troubled subregion.

37. The recent visit to the three Mano River Union countries by representatives of the chairpersons of the International Contact Group on Liberia provides a glimmer of hope for the search for peace. The Government of Liberia has affirmed to the chairpersons its commitment to a direct dialogue with LURD, with a view to putting a ceasefire in place and thus halting the humanitarian tragedy that has affected most of the country.

38. I am encouraged by the decision of the Security Council to visit Liberia and its neighbours next month. I would urge that every effort be made to persuade Liberia and LURD to listen to the pleas of the Liberian people, renounce violence and give peace a chance.

Annex

RL000000

Carat mass | Value (US$)

Number of Parcels

Date of Issue

Date of Expiry

Name of Exporter

Signature of Inspector

Name of Importer

Exporters Copy

RL000000

Carat mass | Value (US$)

Number of Parcels

Date of Issue

Date of Expiry

Name of Exporter

Signature of Inspector

Name of Importer

REPUBLIC OF LIBERIA

KIMBERLEY PROCESS CERTIFICATE

MINISTRY OF LAND, MINES AND ENERGY

RL000000

	Carat mass	Value (US$)

Country of origin

Number of Parcels

Stamp of the Ministry of Land, Mines and Energy

It is hereby certified that the unpolished diamonds in this consignment have been handled in accordance with the provisions of the Kimberley Process Certification Scheme for unpolished diamonds

Date of Issue

Name of Exporter

Address of Importer

Date of Expiry

Name of Importer

Signature of Registering Officer

RL000000

Name of Importing Authority

Time of Receipt by Importing Authority

Signature of Importing Official

Name of Importer

S/2003/466

United Nations S/2003/467

Security Council

Distr.: General
23 April 2003

Original: English

Letter dated 21 April 2003 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to my letter dated 6 March 2003 (S/2003/290), by which I forwarded to the Security Council, in accordance with paragraph 1 (c) of article 12 ter of the Statute of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, the nominations for ad litem judges of that Tribunal that I had received from States Members of the United Nations and non-member States maintaining permanent observer missions at United Nations Headquarters within the 60-day period specified in paragraph 1 (b) of article 12 ter of the Statute.

I also have the honour to refer to the letter dated 28 March 2003 (S/2003/382) of the former President of the Security Council, Mamady Traoré, in which he informed me of the decision of the Security Council that was taken at its 4731st meeting, on 28 March 2003, to extend the deadline for the nomination of candidates for ad litem judges of the International Tribunal for Rwanda until 15 April 2003.

Pursuant to paragraph 1 (c) of article 12 ter of the Statute of the International Tribunal for Rwanda, I have the honour herewith to forward to the Security Council the 35 nominations that I have received from States Members of the United Nations and non-member States maintaining permanent observer missions at United Nations Headquarters within the period specified in paragraph 1 (b) of that same article, as extended by the Security Council in the decision taken at its 4731st meeting. The list of candidates, in alphabetical order, is annexed to the present letter, together with the curricula vitae that have been provided in connection with their nominations.*

I would note in this connection that the number of candidates whose nominations I have received remains short of the minimum number of 36, which, as stipulated in paragraph 1 (c) of article 12 ter of the Tribunal's Statute, as amended, should appear in the list that the Security Council is to establish for transmission to the General Assembly.

(*Signed*) Kofi A. **Annan**

* The annex is circulated only to the members of the Security Council.

03-33125 (E) 230403

United Nations S/2003/468

Security Council

Distr.: General
23 April 2003

Original: English

Letter dated 11 April 2003 from the Secretary-General addressed to the President of the Security Council

I have the honour to inform you that, further to my letter dated 15 January 2003 (S/2003/49), and following further consultations with the Government of Liberia on the revised mandate to be implemented by the United Nations Peace-building Support Office in Liberia (UNOL), I have now received the concurrence of the Government of Liberia to the mandate.

In finalizing the draft revised mandate (see annex), consideration was given to the capacity-building needs of the Government in the areas of human rights and the conduct of elections and, as a consequence, articles (d) and (f) were modified accordingly.

I should be grateful if you would bring the enclosed draft mandate to the attention of the members of the Security Council. Should the Council approve this mandate, a strengthening of UNOL will be needed.

(*Signed*) Kofi A. **Annan**

03-33338 (E) 240403

Annex

Draft revised mandate of the United Nations Peace-building Support Office in Liberia

(a) To provide, as appropriate, good offices and other services to defuse tensions through promoting national reconciliation and resolution of conflicts, including through support for initiatives on the ground;

(b) To support the Government of Liberia in the implementation of the peace agreements to be adopted;

(c) To monitor the political and security situation in Liberia and report thereon;

(d) To enhance respect for human rights in Liberia, including through constructive dialogue with the Government of Liberia, with particular attention to strengthening the Government's capacity in this domain and providing human rights training for the security agencies;

(e) To offer assistance to the Liberian authorities and to the public for strengthening democratic institutions and the rule of law, including the promotion of an independent press and an enabling environment for political parties to operate freely in Liberia;

(f) To contribute to the preparation of free and fair elections in 2003, while helping to promote the independence of the Elections Commission;

(g) To promote dialogue between the Government of Liberia, the United Nations and the international community at large on matters relating to peace and security in Liberia;

(h) To develop, in close cooperation with the United Nations country team and other international partners, a peace-building strategy for Liberia in which political objectives, programme assistance and human rights considerations are fully integrated;

(i) To mobilize national and international political support for such a strategy and monitor its implementation so as to ensure its continued relevance to Liberia's post-conflict peace-building priorities;

(j) To provide substantive support and backup as appropriate to the United Nations Office in West Africa, in particular pertaining to developments in the Mano River Union subregion as they relate to Liberia;

(k) To engage in an educational campaign to present accurately United Nations policies and activities regarding Liberia;

(l) To develop and implement, in cooperation with the Government, sensitization/information strategies and programmes to facilitate the implementation of (a) and (g) above.

United Nations S/2003/469

Security Council

Distr.: General
23 April 2003
English
Original: Spanish

Letter dated 21 April 2003 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 11 April 2003 concerning the United Nations Peace-building Support Office in Liberia (UNOL) has been brought to the attention of the members of the Security Council. They take note of the information contained in your letter and approve the revised mandate of UNOL.

(*Signed*) Adolfo **Aguilar Zinser**
President of the Security Council

03-33344 (E) 240403 240403

United Nations S/2003/470

Security Council

Distr.: General
23 April 2003
English
Original: French

Letter dated 22 April 2003 from the Permanent Representative of Côte d'Ivoire to the United Nations addressed to the President of the Security Council

I have the honour to transmit to you herewith the text of the letter dated 11 April 2003 sent by the President of the Republic, Mr. Laurent Gbagbo, to the Chairman of the Monitoring Committee for the Linas-Marcoussis Agreement (S/2003/99, annex I) (see annex), which I mentioned in my meeting with you on 16 April.

I should be grateful if you would have it distributed as a document of the Security Council.

(*Signed*) D. Philippe **Djangone-Bi**
Ambassador
Permanent Representative

03-33326 (E) 240403 240403

Annex to the letter dated 22 April 2003 from the Permanent Representative of Côte d'Ivoire to the United Nations addressed to the President of the Security Council

11 April 2003

Sir,

Just as I am preparing to address a message to the nation so that all the parties will agree to sit down and talk with a view to the full resumption of government activities and economic, social and cultural activities throughout the national territory, the rebels are stepping up their attacks on all fronts: in the west, the centre-west, the east and the north-east.

For several days now, tensions have been rising again on the country's eastern front (Bondoukou-Bouna region) as a result of rebel attacks.

Between 3 and 5 April 2003, the attackers stepped up their attacks on positions of the national defence and security forces, in the process resorting to robbery, looting and then harassment of the civilian population, especially in the village of Kouakoudou, situated seven kilometres from the town of Sandégué.

During the night of 9 to 10 April 2003, in the village of Sanguinaré on the Bondoukou-Bouna road, rebels surrounded the Ghanaian positions of the Economic Community of West African States (ECOWAS) Peace Force for Côte d'Ivoire (ECOFORCE) in order to ambush Ivorian troops of the national army of Côte d'Ivoire (FANCI). Throughout Wednesday, 9 April 2003, around 300 rebel fighters of the Mouvement Patriotique de Côte d'Ivoire (MPCI), travelling in some 15 vehicles equipped with heavy weaponry and assault rifles, launched renewed attacks on that village and on FANCI positions.

Around 5.30 this morning, 11 April 2003, the rebels attacked Gansé, a village on the Bondoukou-Nassian road, in the area controlled by government troops. There is no doubt that, through these repeated attacks, MPCI rebel fighters are aiming to take the town of Bondoukou.

At the very same time, the police station in the town of Zuénoula in the centre-west of the country was the target of a rebel attack.

These attacks demonstrate on the ground the rebels' intention of resuming the war and seizing State power by force of arms, thereby undermining the fledgling peace process that I have always supported and will continue to support.

I therefore deem it appropriate to make a vigorous protest to the Monitoring Committee for the Linas-Marcoussis Agreement (S/2003/99, annex I), which is chaired by you and whose main task is to identify weaknesses and obstacles and take appropriate corrective action.

In this somewhat delicate phase of the national reconciliation process, I trust that the ECOWAS forces and those of France's Operation Licorne will be able to perform impartially their mission to ensure a speedy return to normalcy and peace in Côte d'Ivoire, taking effective, forceful action against those whose actions are contributing to a stalemate in the situation to induce them to honour the commitments made before the international community.

Laurent **Gbagbo**
President of the Republic of Côte d'Ivoire

United Nations S/2003/471

Security Council

Distr.: General
23 April 2003

Original: English

Letter dated 23 April 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my letter of 9 September 2002 (S/2002/1023) transmitting a supplementary report from Argentina submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully, with the assistance of its experts, and has written to the Permanent Representative of Argentina to the United Nations to set out its preliminary comments. Argentina has been requested to provide a response in the form of a supplementary report by 7 July 2003.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Inocencio F. **Arias**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

03-33893 (E) 010503

United Nations S/2003/472

Security Council

Distr.: General
23 April 2003

Original: English

Letter dated 22 April 2003 from the Permanent Representative of Ghana to the United Nations addressed to the President of the Security Council

I have the honour, in my capacity as the coordinator of ECOWAS Ambassadors in New York, to forward the report of the ECOWAS Mission to Côte d'Ivoire on the situation as at 15 April 2003 (annex I) and the Force Commander's operational review of March 2003 (annex II), for circulation as a document of the Security Council.

(*Signed*) Nana **Effah-Apenteng**
Ambassador
Permanent Representative

03-33308 (E) 290403 290403

Annex I to the letter dated 22 April 2003 from the Permanent Representative of Ghana to the United Nations addressed to the President of the Security Council

[Original: French]

Subject: Economic status report, 15 April 2003

I. Summary

In the last two months the establishment of the ECOWAS Mission in Côte d'Ivoire (ECOMICI) was completed and it assumed tactical responsibility along the ceasefire line in place of the French forces.

Supported by unquestionable international legitimacy and accepted by all the parties to the conflict, working in close cooperation with the French force Operation Unicorn, ECOMICI immediately set about its mission to ensure security both by seeking to separate former belligerents in the centre of the country and by providing security for the authorities of the Government of National Reconciliation at Yamoussoukro and Abidjan.

Having participated with unquestioned success in the complex and sensitive VIP protection mentioned above, having organized several multipartite meetings aimed at bringing former adversaries to the negotiating table to settle as soon as possible the various problems involved in the general normalization process and having responded appropriately to its baptism of fire along the ceasefire line on 2 April in sector I (Benin sub-group), ECOMICI quickly proved itself to be a major actor in the process of ending the crisis in Côte d'Ivoire.

This largely multinational force exists, it is fully operational and it proves its impartiality, usefulness, value and ability to adapt every day. Its major problem today is its continued financing, which is for the moment uncertain beyond the end of April. Its future, once the challenge of financing it has been met and its ranks have been strengthened, might be to expand its action in the field in order to help effect a return to normality in the broad sense in Côte d'Ivoire, by bringing its efforts to bear on trade security and the disarmament of undesirable elements once the situation has been calmed and the law restored.

II. ECOMICI now exists, and has come at the right time

On 29 March 2003, at the Zambakro Peacekeeping School, the purely symbolic headquarters of its centre of operations, ECOMICI solemnly accepted responsibility for monitoring the ceasefire agreement along the ceasefire line. The ceremony marking that transfer of authority was illustrative in bringing together two forces, Operation Unicorn and ECOMICI, which had a mandate from the international community to promote a return to peace for all the components of Ivorian society. The splendour of that ceremony marked the culmination of the considerable efforts that had led to the establishment of an inter-African force of 1,300 men from five nations contributing virtually the same number of troops. Building that force was difficult work, as is always the case in a multinational

context, but it was unquestionably successful, with a cost-effectiveness ratio that was noticed in international circles.

At a time when the contradictory approaches of the peace and war movements still seem to be in confrontation within all the forces involved, it is particularly necessary for ECOMICI to demonstrate an inter-African approach devoid of bilateralism and strong subregional will, both appropriate qualities for negotiating the difficult road to peace.

III. Competent staff of high moral character

Thanks to the efforts of the contributing countries, the 1,300 men of ECOMICI form a high-quality human and military ensemble whose varied experience in the area of peacekeeping operations is a significant asset. Many of them have taken training course or served as interns in international bodies both in Africa and France. Many have participated in inter-African exercises organized by the major international partners, France, the United States and Great Britain. Finally, many officers share the experience of basic training courses, general staff courses or advanced military training courses. ECOMICI's bilingualism, far from causing a problem, enriches the force, through the command post level, with varied military and operational cultures, that provide it with an advantage in standing up to deeply divided factions and will help it work subsequently, if need be, with partners from throughout the world in a United Nations framework. Strengthened by the legitimacy and international recognition of their work, the military personnel of ECOMICI are aware of the importance of their mission to help their Ivorian brothers, which is a source of strong professional pride.

IV. Generally satisfactory logistics

After a build-up phase that was naturally difficult owing to the wide range of contributing countries (ECOWAS, France, United States, Great Britain, Belgium), of civilian and military actors (ministers of defence and foreign affairs, embassies, members of civil society under contract) and of procedures specific to each country, but also owing to the expanse and constraints of the deployment area (more than 400 km along the ceasefire line), and the length of the lines (250 km between Abidjan and Yamoussoukro), ECOMICI is beginning to attain its own cruising speed from the logistical point of view, and also receives, whenever possible, assistance from the Operation Unicorn force. The host country, the Republic of Côte d'Ivoire, also seems to be honouring its responsibilities in this area increasingly well (by making premises and vehicles available).

The main efforts to be made at this time concern the areas of health support and protection of transmissions and office automation.

V. Context in which ECOMICI is being used

Although it has been assuming its tactical responsibilities for only a few weeks, ECOMICI already has extensive experience in the monitoring and management of the Ivorian crisis. This is due to a series of anticipatory measures

taken, such as the early appointment of the Force Commander, participation of the Force Commander in the monitoring committee, rapid establishment of his general staff, sending of advance parties, area reconnaissance missions, coordination and preparation of the deployment with the Operation Unicorn forces. All those measures made it possible for the Force Commander to make an independent evaluation of the local situation as soon as authority was transferred. That evaluation can be summarized as follows:

In the field, the situation is deceptively calm: fires are still smouldering. In Abidjan there are signs that the situation is calming down; the curfew has been shortened and the violent street demonstrations have decreased, but restrictions on the Operation Unicorn forces' freedom of movement and racketeering continue to be frequent. Along the ceasefire line, attempts by the New Forces to infiltrate towards the south are still taking place along the entire width of the line (observed in sectors I and V). On the other side it is necessary to negotiate every inch of the way to avoid a form of spillover towards the north by certain elements of the Forces Armées Nationales de Côte d'Ivoire (FANCI) and to guard against an excessive and particularly counter-productive use of MI-24 attack helicopters. Although the situation in western Côte d'Ivoire, is not directly ECOMICI's problem, there is a very real risk of contagion there. The most recent events have shown that the least spark attracts many who are prepared to fan the embers.

Politically speaking, the leaders of all the political parties involved are extremely distrustful. A most striking example of this is the paranoia regarding security that permeates the atmosphere at meetings of councils of ministers and defence councils. The appointment, travel to Abidjan, accommodation and start of work of the New Forces ministers are the subject of all sorts of fears, rumours and doubts, which must be countered by the exemplary behaviour of an impartial security force like ECOMICI. In addition, as the negotiations progress, care must be taken in dealing with minor "military" leaders (found on all sides) who might feel they have been betrayed or have lost standing as heads of rural or urban gangs.

VI. ECOMICI's first operations

On 11 March, although it had neither yet been deployed nor attained its full complement, ECOMICI was asked to participate alongside the Ivorian police and Operation Unicorn forces in the difficult mission of ensuring the security of the meeting of defence councils and councils of ministers taking place in Yamoussoukro. Those were sensitive operations in a context of extreme distrust, requiring complex preparation and coordination and using a considerable number of troops whereas the force had for the most part just been established. The calm and professional attitude and the experience of the members of the force who participated were noticed by all the actors involved and reported in the press.

Immediately after the transfer of authority on 29 March, the force had to deal with its first armed incident, in the community of Bediala in sector I. Thus was ECOMICI quite involuntarily given the opportunity to show both its determination to deal with incidents when they arose, its discipline in and out of action and its full tactical coherence with the French troops of Operation Unicorn who had intervened at its request, in conformity with the operational procedures agreed on by the two Force Commanders, to help manage the de-escalation of the situation.

Finally, also long before the transfer of authority, and thanks to the operational support provided throughout a long period of reconnaissance and coordination with the Operation Unicorn units, ECOMICI engaged very early on, with its own style, in meetings with local civilian and military authorities and the authorities of the forces involved, a process intended as the continuation of a general approach aimed at relaxing attitudes. Now that bilateral meetings between ECOMICI and FANCI and ECOMICI and the New Forces have been held, tripartite meetings are beginning to be organized, with relative success in view of the extent of the dispute between FANCI and the New Forces.

VII. Unresolved problems of ECOMICI

Satisfaction at having completed the essential stage of establishment and transfer of authority should not be used to avoid addressing the force's current weaknesses.

Insufficient human and technical resources at the political-military level in Abuja are what most impede the strategic planning and support with which the force should be provided. Any action taken to correct that insufficiency (for example, the SHIRBRIG (Stand-by High Readiness Brigade) mission or the appointment of counsellors by allies and friendly countries, either within or outside ECOWAS) should be given encouragement by the Executive Secretariat. In this connection, the recent visit to the force by a mission from Abuja was a promising event.

Another fact that cannot be evaded is that, now that the transfer of authority has taken place ECOMICI has achieved all that it can hope to achieve with its current strength of 1,300 troops. Studies done by ECOWAS of whether to increase the force to 3,205 troops to provide it with further capacity should be taken into account in some way by the international community.

Finally, lack of financing on the horizon is obviously a major problem. If nothing is done in the short term, it will be extremely difficult to do effective budgetary planning without resources in view. That would lead to taking short-sighted decisions, reacting without ever being able to anticipate a situation and dealing only with emergencies, which obviously increases costs.

VIII. ECOMICI's future prospects

ECOMICI's future needs to be financed, but not designed. Everything is spelled out in Security Council resolution 1464 (2003) and the Linas-Marcoussis agreements, and has only to be implemented.

In this connection, the force is making a particular effort to organize bilateral, followed by multilateral, meetings with factions and parties in order to bring them together around specific cases to be resolved locally. Hence it is possible to address problems involving movement of goods and persons, re-opening of telephone stations and hours of markets. The general idea is to persuade them to accept a buffer zone which will then become an area of confidence. That will make it possible to avoid a sudden resurgence of the crisis, to put distance between men and weapons and to facilitate civilian and economic movement. Such a re-opening of humanitarian and/or economic corridors has essentially begun in some places, and a

positive manifestation thereof should shortly take place with the reopening of train service between Abidjan and Ouagadougou. Regrouping and disarmament are items that remain on the agenda of the crisis settlement process, but that cannot be implemented until a major psychological hurdle has been overcome in terms of establishing security and a sense of security.

IX. Conclusion

In conclusion, the ECOMICI Force Commander emphasizes the now-apparent operational capacity of his force to fulfil the mission entrusted to it, its impressive multinational aspect and the effective way in which it was established, its excellent cost-effectiveness ratio and the present need, at the international level, to provide the finances that will ensure its future in the service of peace and reconciliation in the Republic of Côte d'Ivoire.

Annex II to the letter dated 22 April 2003 from the Permanent Representative of Ghana to the United Nations addressed to the President of the Security Council

[Original: English]

ECOWAS Mission in Côte d'Ivoire

Force Commander's operational review, March 2003

References

A. Special Working Group Report dated February 2003.

B. Final Report of the 5th Defence and Security Commission Meeting, held in Accra from 4-5 March 2003.

Introduction

1. Following the signing on 24 January 2003 of the Linas-Marcoussis Accord in France and the adoption of United Nations Security Council resolution (SCR) 1464 of 4 February 2003, authorizing a United Nations Chapter VII peace enforcement role for the ECOWAS and French forces in Côte d'Ivoire, there arose the need to review aspects of the operations of the Peace Mission which appeared to be at variance with the Accord and the UNSCR.

2. At the 5th DSC meeting in Accra from 4-5 March 2003, certain decisions were taken as outlined in the Summary of Decisions paragraph of reference B. On 6 March 2003, the Chairman of ECOWAS held an extraordinary meeting in Accra with the heads of all the political forces of Côte d'Ivoire. This meeting led to a swift change in the political situation in Côte d'Ivoire. Subsequently, it has become necessary to review the operations of the ECOWAS Mission in Côte d'Ivoire (ECOMICI) to meet the new realities on the ground.

Review of the current situation

3. Since the extraordinary meeting with the heads of the political forces in Côte d'Ivoire was convened in Accra by the Chairman of ECOWAS on 6 March 2003, the following events have taken place:

a. Meeting of the National Security Council in Yamoussoukro on Tuesday, 11 March 2003.

b. The formation and inauguration of the Government of National Reconciliation on Thursday, 13 March 2003 at Yamoussoukro.

4. Since these events, the political atmosphere has improved considerably and all political forces have come on board, necessitating a review of the operational requirements of ECOMICI.

New ECOMICI Mandate

5. At the 5th DSC meeting in Accra, a new Mandate was accepted as follows:

a. To contribute to the implementation of the Linas-Marcoussis Accord.

b. To take the necessary steps to guarantee the security and freedom of movement of their Personnel, Observers and Humanitarian Agencies.

c. To ensure, without prejudice to the responsibilities of the Government of National Reconciliation, the protection of civilians immediately threatened with physical violence within their Zones of Operation, using all means available to them.

d. To monitor the cessation of hostilities.

e. To facilitate the free movement of persons, goods and services.

f. To contribute to the implementation of the programme of disarmament, demobilization and reintegration of all forces.

Concept of operations

6. As a result of these new developments, the following is my reviewed CONOPS:

a. **Phase I**

(1) To complete the Transfer of Authority (TOA) between the French force and ECOMICI forces along the Cease Fire Line (Line of Separation).

(2) To contribute to the provision of security for members of the Government of National Reconciliation in accordance with the Linas-Marcoussis Accord, together with the French force and local security forces.

b. **Phase II**

To expand operations and show presence throughout the country in sectors, in order to restore confidence among people.

c. **Phase III**

To assist in the Disarmament, Demobilization and Reintegration (DDR) Programme.

d. **Phase IV**

Adjustment, Draw-down and Withdrawal (ADW) of the Mission.

Revised force levels

7. The revised levels by phases are as below:

a. **Phase I**

(1)	Transfer of Authority on the CFL	= 1,292 All Ranks.
(2)	Aviation Unit	= 92 All Ranks.
(3)	Level II medical facility	= 80 All Ranks.
(4)	Contribute to Security of Government members	= 300 specialists.
(5)	United Nations Military Observers	= 90 UNMOS.
(6)	Logistic support elements	= 230 All Ranks.
(7)	Fifteen (15) specialized tasks: dentist (1), dental technician (2), nurses (8), translators (2) and interpreters (2).	
	New force level Phase I	= **2,009** All Ranks and **90** UNMOs.

b. **Phase II**

(1) Expansion of operations and showing presence throughout the country.

(a)	6 x CTs (6 x 173) + I PL (33)	= 1,071 All Ranks.
(b)	Combat Engineers	= 125 All Ranks.
(2)	New force level (1,981 + 125 + 1,071)	= 3,205 All Ranks and 90 UNMOs.

c. **Phase III**

To assist in Disarmament, Demobilization and Reintegration (DDR).

(1) Troops — Same level as in Phase II.

(2) UNMOS — 60 additional.

(3) CIVPOL/Gendarmes.

(4) Electoral officials.

(5) Non-Governmental Organizations.

} To be determined by ECOWAS Secretariat

New force level — 3,205 and 150 UNMOs.

d. **Phase IV**

Adjustment, Draw-down and Withdrawal.

Details later.

e. Summary of force levels — *See Annex A.*

Logistics requirements

8. The logistics requirements based on the new force level cover the following areas:

a. Financial estimates.

b. Feeding.

c. Transportation.

d. Medical.

9. **Financial Estimates**. Attached as Annex A to this report are the financial estimates by phases for a period of 6 months. The estimates are based on the approved ECOWAS budget of **€1,384.5** per man per month. Below is a summary.

a. Phase I: €16,688,763.00 for 2,009 All Ranks.

b. Phase II: €26,623,935.00 for 3,205 All Ranks.

c. Phase III: €26,623,935.00 for 3,205 All Ranks.

d. Phase IV: To be determined later.

10. **Feeding**. The plan now is to establish a logistics base capable of supplying all contingents in bulk with their requirements for non-perishable rations. This forms two thirds of the feeding allowance of four euros (€4) while the remaining one third is for local purchase of perishable food items.

11. **Transportation**. Phase II requires the expansion of ECOMICI into the territory of the new forces. The implication is that the force would have to improve its mobility in order to effectively cover the entire territory. This requirement should be in the form of troop carrying vehicles (TCVs), armoured fighting vehicles (AFVs) and fixed and rotary winged aircraft. It is therefore requested that the issue of the provision of an aviation unit for the force should be pursued as a matter of urgency. In view of the need for long range patrols that would result from the expansion, the road transport situation of ECOMICI needs to be substantially improved to ensure operational efficiency. The fact that the Pacific Architect Engineers (PAE) vehicles currently being used by the Mission are old and occasionally unreliable brings to the fore the need to improve the road transport situation of the Mission.

12. **Medical**. At the moment there are 1,292 troops on the ground without an organic Level II Medical Facility. This is causing a serious concern within the Mission. Even first line medical supplies are inadequate as they have almost been exhausted already. Since Nigeria has offered to provide the Level II Medical Facility, it is recommended that the ECOWAS Secretariat pursue this matter vigorously.

Legal Matters

13. **Memorandum of Understanding**. A Memorandum of Understanding (MOU) should exist between ECOMICI and the French forces since both forces are already operating together. A draft MOU has been presented by Ecoforce to the French for approval. Hopefully, it will soon be signed by both parties. There is still no MOU

between ECOWAS and Troop Contributing Countries to regularize the logistics framework of the force.

14. **ECOWAS directives to COMFORCE**. ECOWAS Executive Secretariat should urgently validate the proposed Rules of Engagement (ROE) to allow them to be used by the ECOWAS force.

Decisions of the 5th Defence and Security Commission meeting

15. It is suggested that the ECOWAS Secretariat and all stakeholders take action to fulfil most of the decisions taken at the 5th DSC meeting in Accra (as outlined at paragraph 38 of the final report) such as:

- the offer by Nigeria to provide Level II Medical Facility;
- a request for contribution from member countries to provide specialized personnel as follows: three hundred (300) gendarmes (CIVPOL), one (1) dentist, two (2) dental technicians, eight (8) nurses, two (2) translators, two (2) interpreters;
- issue directives (logistic and operations);

Conclusion

16. Events since the extraordinary meeting in Accra of the ECOWAS Chairman with the heads of all political forces of Côte d'Ivoire on 6 March 2003 have necessitated the need to review the operations of ECOMICI. The review covered the concept of operations, the force levels and the logistics requirements.

17. The new CONOPS has 4 phases as outlined at paragraph 6. The review has also determined new force levels as follows:

a. Phase 1: 2,009 All Ranks and 90 UNMOs.

b. Phase 2: 3,205 All Ranks and 90 UNMOs.

c. Phase 3: 3,205 All Ranks and 150 UNMOs.

d. Phase 4: Details later.

18. The review further identified logistics requirements in the areas of finance, feeding, transportation, and medical.

Recommendations

19. The following recommendations are submitted for consideration:

a. Pursuant to the new CONOPS the new force levels proposed are required for the fulfilment of the mission.

b. ECOWAS Secretariat should request member countries for contributions.

c. The financial estimates in Annex A to the report should be approved as soon as possible to facilitate the execution of the Mandate of the Mission.

d. Every effort should be made to improve the mobility of the Mission, in particular the deployment of an aviation unit as prescribed in reference A.

e. That the ECOWAS Secretariat be impressed upon to rigorously pursue the offer by Nigeria to provide a Level II Medical Facility.

f. That all the outstanding legal issues such as the MOU and ROEs be resolved.

g. That the ECOWAS Secretariat and all other stakeholders are enjoincd to facilitate approval of the decisions of the 5th DSC meeting held in Accra from 4-5 March 2003 for implementation.

Annex

A/ Summary of force levels in phases.

B/ Financial estimates for the new force levels.

C/ Transportation assets required in phases.

Annex A

Summary of force levels in phases

1.	**Phase I**		
	a. Security for VIPs	=	300 specialists
	b. Aviation unit	=	92 All Ranks
	c. Level II Medical Facility	=	80 All Ranks
	d. Logistics support elements	=	230 All Ranks
	e. United Nations Military Observers	=	90 UNMOs
	f. Specialized personnel	=	15
2.	New force level	=	2,009 All Ranks and 90 UNMOs
3.	Additional troops required	=	717 All Ranks and 90 UNMOs
4.	**Phase II**		
	a. 6 x CTs (6 x 173) and 1 x PL (33)	=	1,071 All Ranks
	b. Combat Engineers	=	125 All Ranks
5.	New force level (2,009 + 125 + 1,071)	=	3,205 All Ranks and 90 UNMOs
6.	Additional troops required	=	1,913 All Ranks
7.	**Phase III**		
	Same strength as in Phase II		
8.	**Phase IV**		
	Details to be determined later.		

Annex B

Financial estimates for new force levels

Phase	*Force level*	*Approved budget/man/month (euros)*	*Force level budget per month (euros)*	*Force level budget for 6 months (euros)*	*Remarks*
(a)	*(b)*	*(c)*	*(d)*	*(e)*	*(f)*
One (I)	2 009	1 384.5	2 781 460.50	4 437 322.50	
Two (II)	3 205	1 384.5	16 688 763.00	26 623 935.00	
Three (III)	3 205	1 384.5	16 688 763.00	26 623 935.00	Same as phase II
Four (IV)	To be determined subsequently				

Notes:

1. SRES to inform ECOWAS Secretariat of the need to provide the funds to cover the budget for the first Mandate (6 months).
2. **1,384.5 euros/man/month** covers per diem, feeding and personal gear and equipment.

Annex C

Land and air transportation assets required

Phases	*Truck 4 WD*	*VAB/ APC*	*AFV/AML*	*Truck 20 T*	*TCI TT*	*Ambulance*	*Wrecker*	*Gas tank truck*	*Water tank*	*Trailer 1 T*	*Bus*	*Pick-up*	*Aéronefs*	*Obs*
Phase 1	4	3	14	-	40	-	-	2	-	-	-	25	01 MI 8 01 AM26	
Phase 2	24	170	34	5	150	15	15	6	20	20	5	60	01 ANT 26 04 MI 8 01 Héli liaison	
Phase 3	24	170	34	5	150	15	15	6	20	20	5	60	01 ANT 26 04 MI 8 01 Héli liaison	
Phase 4	Other matters to be determined subsequently													

United Nations S/2003/473

Security Council

Distr.: General
25 April 2003

Original: English

Letter dated 25 April 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my letter of 24 October 2002 (S/2002/1191) transmitting a supplementary report from Trinidad and Tobago submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully, with the assistance of its experts, and has written to the Permanent Representative of Trinidad and Tobago to the United Nations to set out its preliminary comments. Trinidad and Tobago has been requested to provide a response in the form of a supplementary report by 17 July 2003.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Inocencio F. **Arias**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

03-33926 (E) 020503

United Nations S/2003/474

Security Council

Distr.: General
25 April 2003

Original: English

Letter dated 25 April 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my letter of 14 October 2002 (S/2002/1153) transmitting a supplementary report from Hungary submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully, with the assistance of its experts, and has written to the Permanent Representative of Hungary to the United Nations to set out its preliminary comments. Hungary has been requested to provide a response in the form of a supplementary report by 17 July 2003.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Inocencio F. **Arias**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

03-33933 (E) 020503

United Nations S/2003/475

Security Council

Distr.: General
25 April 2003

Original: English

Letter dated 25 April 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my letter of 12 December 2002 (S/2002/1370) transmitting a supplementary report from Latvia submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully, with the assistance of its experts, and has written to the Permanent Representative of Latvia to the United Nations to set out its preliminary comments. Latvia has been requested to provide a response in the form of a supplementary report by 17 July 2003.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Inocencio F. **Arias**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

03-33940 (E) 020503

United Nations S/2003/476

Security Council

Distr.: General
25 April 2003

Original: English

Letter dated 25 April 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my letter of 9 September 2002 (S/2002/1019) transmitting a supplementary report from Lithuania submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully, with the assistance of its experts, and has written to the Permanent Representative of Lithuania to the United Nations to set out its preliminary comments. Lithuania has been requested to provide a response in the form of a supplementary report by 17 July 2003.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Inocencio F. **Arias**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

03-33900 (E) 010503

United Nations S/2003/477

Security Council

Distr.: General
25 April 2003

Original: English

Letter dated 25 April 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my letter of 24 December 2002 (S/2002/1418) transmitting a supplementary report from Monaco submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully, with the assistance of its experts, and has written to the Permanent Representative of Monaco to the United Nations to set out its preliminary comments. Monaco has been requested to provide a response in the form of a supplementary report by 17 July 2003.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Inocencio F. **Arias**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

03-33906 (E) 300403

United Nations S/2003/478

Security Council

Distr.: General
25 April 2003

Original: English

Letter dated 25 April 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my letter of 18 July 2002 (S/2002/790) transmitting a supplementary report from Venezuela submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully, with the assistance of its experts, and has written to the Permanent Representative of Venezuela to the United Nations to set out its preliminary comments. Venezuela has been requested to provide a response in the form of a supplementary report by 17 July 2003.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Inocencio F. **Arias**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

03-33913 (E) 300403

United Nations S/2003/479

Security Council

Distr.: General
25 April 2003

Original: English

Letter dated 25 April 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my letter of 14 October 2002 (S/2002/1152) transmitting a supplementary report from Mongolia submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully, with the assistance of its experts, and has written to the Permanent Representative of Mongolia to the United Nations to set out its preliminary comments. Mongolia has been requested to provide a response in the form of a supplementary report by 17 July 2003.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Inocencio F. **Arias**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

03-33919 (E) 300403

United Nations S/2003/480

Security Council

Distr.: General
15 April 2003

Original: English

Letter dated 5 April 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 22 November 2002 (S/2002/1291).

The Counter-Terrorism Committee has received the attached third report from Singapore submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Inocencio F. **Arias**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

03-34324 (E) 120503

Annex

Letter dated 14 February 2003 from the Chargé d'affaires a.i. of the Permanent Mission of Singapore to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

Pursuant to resolution 1373 (2001), and further to your letter dated 15 November 2002, I have the honour to transmit the response of the Republic of Singapore to the questions and comments posed by the Counter-Terrorism Committee with regard to the implementation of the resolution (see enclosure).

(*Signed*) **Tan** York Chor
Chargé d'affaires a.i.

Enclosure

Singapore's response to the questions contained in the letter from the Chairman of the Counter-Terrorism Committee dated 15 November 2002

- **Qn 1.2: In regard to effective implementation of paragraph 1 of the resolution, please explain whether there are any legal or other administrative measures that ensure that funds and other economic resources collected by non-profit organizations (e.g religious, charitable or cultural organizations) are not diverted for other than the stated purposes, particularly for financing of terrorism. As this requires an appropriate monitoring mechanism, how does Singapore ensure this or propose to ensure this.**

Singapore's response:

1 The non-profit organisations referred to in the question might include societies and charities. In Singapore, societies are required to be registered under the Societies Act. The Societies Act has provisions for the proper accounting and recording of transactions, including fund-raising appeals, of registered societies. Registered societies are required to submit their annual statement of accounts, and the auditor's report where applicable, to the Registrar of Societies. In addition, the Societies Act empowers the Registrar to order a registered society to furnish him with any information, including accounts and books relating to the society.

2 Charities in general have to be registered with the Commissioner of Charities. The Charities Act empowers the Commissioner to institute inquiries where there is misconduct or mismanagement in the administration of the charity. The regulatory function is performed by reviewing the annual reports and statements of accounts to ensure that charities carry out their activities in accordance with their objectives and that they comply with the provisions of the Charities Act and any requirements as prescribed in the Charities Regulations. Registered charities are required to submit its annual reports and statement of accounts to the Commissioner within six months of the close of each financial year. Charities whose annual receipts or expenditure exceed S$250,000 must be audited by an approved company auditor. The Commissioner also has the powers to call for any information relating to any charity, or take possession of any books, documents or papers as may be necessary.

3 In addition, any organisation that wishes to conduct or participate in any fund-raising appeal for foreign charitable purposes must apply for a permit under the Charities (Fund-Raising Appeals For Foreign Charitable Purposes) Regulations. Every permit holder must maintain proper records and accounts in respect of the fund-raising appeal, including the amount transmitted to any person outside Singapore and to whom the money was transmitted. The statement of accounts of the fund-raising appeal must be audited by an approved auditor and submitted to the Commissioner within 60 days of the last day of the appeal or within such extended period as may be allowed by the Commissioner.

4 There are certain charities that are exempted under the Charities Act. These include educational or religious institutions established by separate Acts of Parliament. For this category of exempt charities, oversight is carried out by the relevant Ministry as identified in the Act. The parent Ministries have the authority to appoint the Chairman and Members of the Governing Boards of these institutions. This is important as the Governing Board is the decision-making authority on the programmes and finances of these institutions. These institutions are also required to submit their annual accounts and auditors' reports to the Ministry in-charge. An external auditor is appointed, in consultation with the Minister in charge, to conduct checks and ensure that receipts, expenditures and investment of monies, and the acquisition and disposal of assets during the financial year are done in accordance with the provisions of their governing legislation. They also assess whether proper accounting and records are kept, including assets whether purchased, donated or otherwise.

5 The law enforcement agencies may also monitor non-profit organisations to ensure that the activities and funds are not used for unlawful purposes.

- **Qn 1.3: The CTC would be grateful to have a progress report on the enactment of the Terrorism (Suppression of Financing) Bill.**

Singapore's response:

6 Singapore deposited the instrument of ratification for the International Convention for the Suppression of Financing of Terrorism on 30

Dec 2002. The Convention entered into force on 29 Jan. 2003. The Terrorism (Suppression of Financing) Act was brought into operation on the same day.

- **Qn 1.4: Sub-paragraph 2 (a) of the Resolution, inter alia, requires all states to suppress recruitment of members of terrorist groups. The supplementary report explains that the Internal Security Act provides that, 'if' the President is satisfied with respect to any person that, with a view to preventing that person from acting in any manner *prejudicial to the security of Singapore or any part thereof, or to the maintenance of public order or essential services, therein*, it is necessary to do so, the Minister for Home Affairs shall make an order directing that such person be detained for any period not exceeding two years." As the Resolution refers to recruitment of members of terrorist groups in general, which might be operating anywhere and could effect the security of any government or organisation, what provisions are available or what action does Singapore intend to take to achieve full compliance with this paragraph?**

Singapore's response:

7 There are adequate provisions in the Internal Security Act which can be used against any terrorist group operating in Singapore, irrespective of whether such groups are made up of foreigners or Singaporeans. The Internal Security Act can also be used to deal with the recruitment of members of terrorist groups in general.

- **Qn 1.5: Please explain how Singapore would deal with a foreigner who has committed a terrorist act outside Singapore against another State or its citizens and is found in the territory of Singapore. Would Singapore prosecute the terrorist, if he or she were not extradited, in order to fulfill the requirement of sub-paragraph 2 (e) of the Resolution?**

Singapore's response:

8 The specific action that would be taken against a foreigner who is accused of committing a "terrorist act" outside Singapore and is found in Singapore will depend on various factors such as the nature of the alleged offence, the place where the offence was committed and the strength and nature of the evidence against the terrorist. Every case would ultimately have

to be decided on its own facts. However, there are adequate provisions in Singapore's laws for us to take action against terrorists found in Singapore, even if they have not committed terrorist acts in Singapore. Since Dec 2001, the Singapore Government has arrested over 30 members, including 1 non-Singaporean, of the clandestine group, Jemaah Islamiyah, as well as one Singaporean belonging to the Moro Islamic Liberation Front, for terrorism related activities, which included activities aimed at non-Singaporean targets. This is a demonstration of Singapore's commitment and capacity to take action against terrorists found in Singapore, in compliance with sub-paragraph 2 (e) of the Resolution.

- **Qn 1.6: Paragraph 3 calls upon all states to become parties as soon as possible to all the relevant international conventions and protocols relating to terrorism. The CTC would appreciate receiving information on the progress made of ratification of those conventions and protocols by Singapore.**

Singapore's response:

9 In addition to being a party to the four Conventions on terrorism listed in our first report, and to the International Convention on the Suppression of Financing of Terrorism (see para 6 above), Singapore has deposited the Instrument of Accession to the Convention on the Marking of Plastic Explosives for the Purpose of Detection on 20 January 2003. The Convention shall enter into force for Singapore on 21 March 2003.

10 Singapore has completed draft legislation that would allow us to accede to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation. We are in the process of finalising the draft before it is submitted to Parliament. Singapore is also considering the ratification of the remaining United Nations Conventions on Terrorism that we have not yet ratified or accede to. Singapore does not have a specific timetable for future ratifications

- **Qn 2.1: The CTC is eager to facilitate the provision of assistance and advice in connection with the implementation of the Resolution. It encourages Singapore to inform the CTC of any areas in which assistance or advice might be of benefit in taking forward the implementation of the Resolution in Singapore, or of any areas in**

which Singapore might be in a position to offer assistance or advice to other States on the implementation of the Resolution. The CTC maintains a Directory of Information and Sources of Assistance in the field of Counter-Terrorism on which all relevant information on available assistance is posted. It can be found on the CTC's website (www.un.org/sc/ctc). The CTC's Technical Assistance Team is available to discuss any aspect of the provision of assistance and can be contacted as in para 3.1 below.

Singapore's response:

11 As part of Singapore's efforts to help countries in the region build capacity in counter terrorist financing, Singapore and the United States co-hosted a counter terrorism finance workshop in Singapore on 21-22 Jan 2003. The workshop was attended by 85 participants from 25 countries from Association of Southeast Asian Nations (ASEAN) and Pacific Islands Forum (PIF). During the workshop, the Monetary Authority of Singapore and the Commercial Affairs Department of the Singapore Police Force, as well as representatives from other states, provided briefings to participants on their experience in counter terrorism finance and other related issues. Representatives from the CTC, FATF and APG also addressed the workshop.

- **Qn 2.2: Although there is no mention in either of the reports of assistance that Singapore might be able to provide to other States, the CTC would be grateful for an indication of any assistance or advice that Singapore is in a position to provide.**

Singapore's response:

12 In order to help enhance the capabilities of ASEAN countries in the fight against terrorism, Singapore has offered through the framework of the Special ASEAN Ministerial Meeting on Terrorism to support training in bomb/ explosive detection, post-blast investigation, airport security and passport/ document security and inspection.

- **Qn 2.3: At this stage the CTC will be focusing on requests for assistance that relate to 'Stage A' matters. However, the assistance to be provided by one State to another on any aspect of the implementation of the Resolution is a matter for agreement between them. The CTC would be grateful to be kept informed of any such**

arrangements and on their outcome.

Singapore's response:

13 Singapore would like to inform the CTC that Singapore and the United States signed an agreement on 20 Sep 2002 to cooperate on the Container Security Initiative (CSI). The objective of the CSI is to pre-screen US-bound containers to prevent and deter the introduction of weapons of mass destruction into the maritime environment. Singapore was the first pilot port in Asia to come under the CSI.

United Nations S/2003/481

Security Council

Distr.: General
25 April 2003

Original: English

Letter dated 14 April 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 14 August 2002 (S/2002/961).

The Counter-Terrorism Committee has received the attached supplementary report from Fiji, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Inocencio F. **Arias**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

03-33965 (E) 140503

Annex

Note verbale dated 3 April 2003 from the Permanent Representative of Fiji to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

The Permanent Representative of the Republic of the Fiji Islands to the United Nations presents his compliments to the Chairman of the Special Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism and has the honour to submit herewith the second report of the Government of Fiji, both electronically and in hard copy (see enclosure).

Enclosure

Fiji's second round of responses based on the letter dated 8 August 2002*

The Fiji Anti-Money Laundering Unit (FAMLC) has undertaken the responsibilities of addressing the questions raised under paragraphs 1 (a), (b), (c) and (d)

- **Sub-paragraph 1 (a):**
  - Please provide a progress report on the action taken by the Finance Ministry and the Reserve Bank to prevent and suppress the financing of terrorists, including those listed by the UN Security Council (pursuant to Resolutions 1267 and 1333, as amended by 1390, as distinct from Resolution 1373).

RBF Guidelines for License came into effect on 1 January 2001, predating UNSC Res 1373. The Guidelines is attached

The Reserve Bank of Fiji[1] has been working closely with the other relevant authorities particularly with the Anti-money Laundering Officials Committee in an effort to develop strategies to implement the requirements of the United Nations Security Council Resolutions to prevent and suppress the financing of terrorists, namely those requirements that involve the financial institutions. The Government of Fiji acknowledges the need to work against money laundering and financing of terrorism and these are pronounced in statements in the Government Budget address for work over the next year.

The RBF will be working on specific measures to combat the financing of terrorism within the financial system in Fiji. In contrast the RBF has implemented a number of anti-money laundering measures, which are detailed in the first Fiji CTC report 2002.

The Banking Act of Fiji provides the RBF with appropriate powers to ensure that terrorists and terrorist funds are not part of a licensed financial institution's ownership structure, directors and senior management.

The RBF has been involved with various AML/CFT evaluation project and has provided important contributions, namely towards the IMF Article IV Mission, Paragraph 8 of the IMFC Communiqué, IMF Pacific project on Fiji, ADB TA Regional Project on AML/CFT, and the APG Mutual Evaluation Exercise. Appropriate recommendations of these assessment reports that affect the financial system are being evaluated by the Reserve Bank towards developing an action plan to implement the recommendations. This evaluation is being made in close consultation with the Anti-money Laundering Officials Committee (FAMLC).

There are a number of specific preventive measures for the financial institutions that the RBF wishes to review and implement in view of the proposed AML/CFT Assessment Methodology by the IMF and the proposed review of the FATF 40 Recommendations.

---

* Annexes I and II have been attached hereto. Annexes III to V are on file with the Secretariat and are available for consultation.

[1] Hereafter the acronym "RBF" is used.

- **Sub-paragraph 1 (b):**
  - Please provide an outline how Fiji intends to implement the International Convention for the Prevention of the Financing of Terrorism that is stated to be in the process of ratification.
  - According to the report, Fiji is anticipating a broader reform package that accommodates all relevant issues of the Resolution. Please outline the particular provisions of this package that contribute to compliance with the Resolution.

Broader reforms:

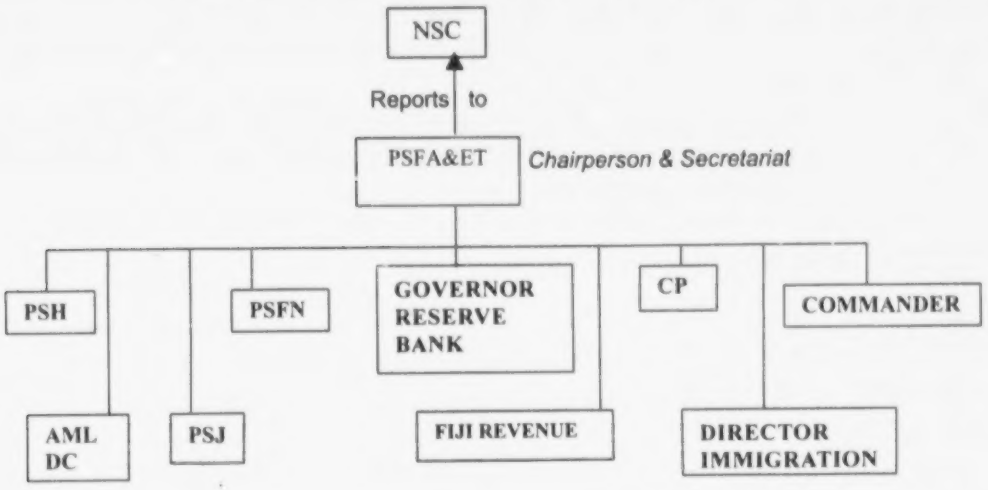
(i). **Executive Actions**

- Cabinet decision is required for treaty ratification

ii. Institutional

- the CTC officials committee is now established under the aegis of National Security Council (NSC) to undertake the intended reforms required under SC 1373. As shown in the chart, the Officials Committee comprises of the sectoral Heads of the three CLAGs (Combined Law Agency Groups) namely; Commissioner of Police, Commander, Solicitor General, Permanent Secretary for Justice, Governor Reserve Bank, Permanent Secretary for Foreign Affairs & External Trade, Permanent Secretary for Finance & National Planning, Permanent Secretary for Home Affairs.
- The Officials Committee prepares all necessary paper works, including ratification (through Cabinet) process.

STRUCTURE OF THE CTC OFFICIALS COMMITTEE



- *the new system* improves *the* reporting *procedures* to *the* NSC (vis-à-vis Commissioner of Police, *Minister for Foreign Affairs & External Trade, direct to the NSC*)

Measures to guard against terrorist financing are already underway in Fiji despite the as-yet non-ratification of the Convention on Terrorism Financing. The various guidelines issued by the RBF provide an exhaustive coverage over Fiji's financial sector. The RBF undertakes internal supervisory role of all incoming proceeds for purposes of due diligence and establishment of illegal proceeds. Cabinet has also recently decided to extend the RBF's supervisory ambit to include the prudential supervision of the Fiji National Provident Fund (FNPF). The RBF organizational chart (annex 1) shows the Bank's broad supervisory role including non-bank and regulatory bodies in the finance sector.

iii. **Legal** —

- **Anti-Terrorism Bill** is in the early stages of the legislative agenda. The Bill will legitimize the establishment of the Financial Intelligence Unit (FIU) to report on suspicious transactions and financial services to, or linked with terrorists or other undesirable elements. The RBF and the Fiji Police will jointly manage the FIU.
- **Extradition Bill, Passports Bill**, review of the ***Immigration Act***, ***Insurance Act***, a proposed NGO legislation.
- **Charitable Trust Act (Cap 67)** is being reviewed in relation to those who engage in public advocacy as this Act controls all provisions to charitable organizations. There is no provision to monitor funds channeled to religious organizations. The present review by relevant authorities aims to appraise the registration and activities of religious and charitable organizations.

- **Mutual Assistance in Criminal Matters** — amendment is being mooted to align it with the legislative framework in Australia and other jurisdictions that have enacted similar legislation to improve mutual cooperation that currently involves exchange of letters of mutual recognition.
- Close working relationships with the Pacific Islands Forum (PIF) region by encouraging all members to enact the mutual assistance in criminal matters, proceeds of crime, and extradition legislations.
- PIF model laws are being crafted with a view to harmonizing legislation to improve implementation.

iv. **Technical** — Equipment upgrades, IT network, Interpol linkup, shared database, and similar collaborative ventures within and beyond the region are currently being pursued, including cross-sectoral technical assistance.

- **Sub-paragraph 1 (c):**
  - Please outline the guidelines of the Reserve Bank or any other measures that provide for the freezing of funds, financial assets or other economic resources belonging to terrorists.

    - Please refer to the RBF Money Laundering Guidelines.

The Reserve Bank of Fiji's banking supervision policy guideline for licensed financial institutions to counter money laundering sets the minimum requirements relating to the reporting of suspicious transactions, systems and trading to prevent money laundering, minimum identification, record keeping and reporting procedures; and various responsibilities of a bank or credit institution, law enforcement authorities, and the Reserve Bank of Fiji with regard to countering money laundering. The policy guideline was developed with a view to meeting the 40 recommendations of the Financial Action Task force (FATF).

Although the policy guideline does not specifically mention measures relating to the financing of terrorism, it required financial institutions to take appropriate measures consistent with the law to deny assistance, sever relations with customer and close or freeze accounts where a financial institution becomes aware that money held on deposit was derived from a criminal activity, or that transactions entered into were criminal in purpose.

The policy guideline provides for identification procedures for transactions conducted on behalf of another, including the requirement to establish the source of funds. Applicants who wish to establish third party or intermediary relations are required under the policy guideline to provide written undertaking with regard to the evidence of principals and the course of funds and also to make reasonable enquiries about transactions passing though client accounts that give cause for concern and to report those transactions if any suspicions are aroused.

Furthermore, consistent with the Basel Core Principles, the licensing procedures implemented by the Reserve Bank ensures that the deposit taking institutions are not owned or controlled by terrorists.

Similar procedures are provided for relations with shell companies/entities including the requirement to obtain satisfactory evidence of the identity of the beneficial owners, directors and authorized signatories of the shell company.

- **Freezing of funds** — powers vested under the Commissioner of Police (Cap 85) to freeze the assets to allow investigators to process the allegations. Therefore, close collaborations between the Governor RBF and Commissioner of Police (CP), through the Officials Committee, to exercise these powers, i.e. monitor, freeze, and dispose.

- How does Fiji propose to meet the requirement of this sub-paragraph, in particular if the funds derive from legitimate sources (as distinct from proceeds of crime) to finance terrorist activities?

- **Legitimate sources** — If Commissioner of Police has reasonable grounds for believing that legitimate sources are being *utilized to finance terrorist activities,* he can use this power under Cap 85 to freeze the funds while investigation proceeds.

- **Sub-paragraph 1 (d):**
  - What legal provisions exist or are proposed to prohibit persons and entities from providing funds, other financial assets and financial services to terrorists?

There is a proposal to resurrect the **Suppression Terrorism Decree (1991)** issued by the Fiji Intelligent Service (FIS), and amended to meet the requirement regarding persons or entities are not to provide funds, other financial services to terrorists.

- Please describe how the statutes governing the conduct of charitable, religious and other entities, that are mentioned in the report, prevent the funds collected for their respective charitable, religious and other purposes from being diverted from their stated purposes, in particular to terrorists.

Role of Auditor General in consultation with the CP in public scrutiny of public funds used by NGOs and other charitable organizations (churches, etc.).

Auditing of accounts is a prerequisite.

Trace of accounts by Ministry of Labour is stated in the Government Titles, Trade United.

Need proper and effective coordination.

- **Sub-paragraph 2 (a):**
  - How does Fiji propose to prevent the recruitment in Fiji to terrorist groups, operating either within its territory or abroad?

Recruitment — the draft **Anti-Terrorism Bill** has specific provisions to prevent the recruitment in Fiji of terrorist groups, operating either within its territory or abroad. Refer to sub-paragraph 1 (b) above. Other security working practices include:

- *Mutual Assistance in Criminal Matters* also includes the free flow of information and healthy exchange of intelligence.
- *The Police Special* Branch under CP, works together with FBI, NZSIS, ASIS, and exchange information on a daily basis.
- Security clearance/*vetting* of all personnel involved with CTC work. Suva branch to do clearance (Positive and negative clearance).

  - Please outline the legal provisions and other measures regulating the possession of, and trade in weapons and explosives.

  Legislation —
  - Arms and Ammunition Act (Cap 188).
  - Explosives Act: Cap 189.
  - Police Act (Cap 85).
  - Any person who wants to own stock, trade in weapons and explosives has to apply for it through CP and pay a fee for the license, renewable on an annual basis.

  Regional initiatives:
  - Honiara Initiative (1998) and the,
  - Nadi Framework (2000)

  deal with common approaches to Gun Control in the South Pacific Region. In pursuit of these initiatives, a survey on small arms stock and method of control in the PIF region was conducted and its results was launched on 2nd April 2003.

- **Sub-paragraph 2 (b):**
  - Are there any steps taken to involve more agencies in vigilance and monitoring operations by the Fiji Police, as referred to in the report?

Further to responses in 2 (a), we report that there is an improvement in the inter-department collaboration as evidenced by the establishment of the Officials Committee representing all

stakeholders. Part of the review of Immigration Laws and compliance, the expulsion of *Brother Majid in February 2003 is a case in point.*

Fiji is a member of the **Interpol** and subscribes to all its rules and regulations.

In collaboration with the FBI, NZSIS, ASIS, we monitor the movements of people suspected with international terrorists organizations.

The identification procedures, transaction monitoring and the reporting of suspicious transaction provisions under the Reserve Bank's banking supervision policy guideline to counter money laundering also extend to clubs, societies, and charitable organizations. Where a financial institution becomes aware of any unusual transaction activities or activity that is dissimilar to, or incompatible with, the charitable organization's known business, the policy guideline requires the financial institution to promptly report the transactions to the relevant law enforcement authorities.

Yes, the Fiji Police, together with the Forum Secretariat, prepared a Memorandum of Understanding with the Combined Law Agency Groups (CLAG), which was signed in Suva by the heads of all the relevant stakeholders on 31 July 2002. The parties to the MOU include only Government Departments or Ministries and Statutory Authorities, which have a role in enforcing the laws of Fiji. The MOU will enable the parties to work more closely with the Police in enforcing the rule of law, especially the particular legislation for which each party is responsible, and requires them to be more vigilant in preventing breaches of those legislation.

The Fiji Police has also instigated and developed a close working relationship with other stakeholders who are not a part of the CLAG. One such agency includes the Private Security companies whom the Police Force assists in keeping the peace and securing their respective places of responsibility.

- **Sub-paragraph 2 (c):**
  - Please provide a progress report on the review of the immigration laws and outline the particular provisions and procedures that contribute to compliance with this sub-paragraph.

  Refer to our response in paragraph 1 (b) above.

- **Sub-paragraph 2 (d):**
  - Does Fiji propose to introduce provisions that prevent its territory from being used for terrorist activities abroad?

    - The existing legislations have by extension prohibits Fiji from being used as a base for terrorist activities abroad.
    - The resurrection of the Suppression of Terrorisms Decree (1991) will include an amendment to this effect.

- **Sub-paragraph 2 (e):**
  - Please provide a progress report on the law review that is being conducted by the Fiji Law Reform Commission. Will this review introduce specific provisions that criminalize terrorist activities?

- We will appraise the status of the Anti-Terrorism Bill once Parliament is seized with this draft legislation, and other related proposed legislation.

- **Sub-paragraph 2 (f):**
  - Please provide a list of countries with which Fiji has concluded bilateral and multilateral treaties, and MOUs on mutual assistance in criminal matters and on extradition.

See the Extradition Bill attached.

- Australia — signed *an MOU* for *assistance in capacity building for* Security and intelligence.
- With others — there are no MOU in place but there does exist international arrangements for capacity building for Law Enforcement Agencies, for example, with the NZSIS, FBI, and Scotland Yard.
- The Pacific Islands Forum (PIF) 1992 Honiara Declaration makes it mandatory for all Members to enact the mutual assistance in criminal matters, proceeds of crime, and extradition legislation. The intention was that once all Members have these legislations in place, bilateral and multilateral treaties and MOUs could be entered into.

  - What is the legal timeframe within which a request for judicial assistance in criminal investigations or criminal proceedings (especially those relating to the financing or other support of terrorist acts) must be met and how long, on average, does it actually take in practice to implement such a request in Fiji?

- We respond to these requests within reasonable time, albeit, there is no legal timeframe established but the courts have the powers to decide. Criminal investigations are *done* instantly when *such* crime is committed. It is given a high priority, it is dealt with expeditiously because of the *low volume* of terrorist related requests *received by the Fiji Police.*

- **Sub-paragraph 2 (g):**
  - What measures have been taken to prevent the counterfeiting, forgery or fraudulent use of identity papers and travel documents and what provisions exist for the punishment of persons who do so?

- Refer to the Passport (attached) and Immigration Bills. The Immigration Department is now looking at improving the security features of the Fiji passports issued. First and foremost, we have now tightened security of unused or lost travel documents adopting best practices from other jurisdictions.
- The Immigration Bill that will be presented to Parliament later in the year will criminalize people smuggling and with commensurate level of punishments.
- Yachts
    - The *Fiji Islands Customs Service has plans in place to obtain* a boat/ship *for open sea voyage* to undertake periodic visits to marinas and tourist resorts for such purpose. These visits are made in collaboration with the Fiji Police, who are present on board to assist Customs Officials in investigations and arrests.
    - In addition the Fiji Navy under the Maritime CLAG concept are responsible for making maritime arrests and carrying out tasks dictated by intelligence *and other responsibilities outlined in the Maritime CLAG Standard Operations Procedures.*

- Visits to Fiji by yachts or private aircraft (for example, to refuel) may give rise to issues under paragraph 2(g) of the resolution. How are such issues addressed by Fiji?

- Airplanes and ships making refuel stopovers are given separate docking bays. Crews are closely supervised as to the times they can leave and return to the terminals.

- **Sub-paragraph 3 (a), (b) and (c):**
    - Is there an institutional mechanism for implementing these sub-paragraphs?

        - The South Pacific Chiefs of Police Conference (SPCPC) are interconnected with the Australian Federal Police sponsored dedicated Police Intranet to improve and accelerate the exchange of operational information and intelligence among members.

- **Sub-paragraph 3 (d):**
    - The CTC would welcome a report, in relation to the relevant international conventions and protocols relating to terrorism, on the progress made by Fiji in:
        - becoming a party to the instruments to which it is not yet a party; and
        - enacting legislation, and making other necessary arrangements, to implement the instruments to which it has become a party.

      Further to our response under paragraph 1 (b), the Civil Aviation Act (1994) implements three of the four anti-terrorism conventions that Fiji has ratified. The remaining conventions and protocols are being looked at by the Officials Committee with a view to appropriate executive actions. In the meantime the scope of the draft

Anti-Terrorism Bill could well encompass issues in the other 8 sectoral terrorism conventions to which Fiji is not yet a party.

- **Sub-paragraph 3 (e):**
  - Have the crimes set forth in the relevant international conventions and protocols been included as extraditable offences in the bilateral treaties to which Fiji is a party?

The *Extradition Bill* has been introduced in Parliament, which aims to improve on the existing legal regime of concluding MOUs with other countries extend the scope for extradition and modernize extraditable offences to facilitate extradition. A copy of the Bill is attached.

- **Sub-paragraph 3 (f):**
  - Please provide a progress report on the steps taken to meet the requirements of this sub-paragraph.

Refer to the Extradition Bill. In addition the Immigration Bill that is currently being drafted is well poised to address the requirements of this paragraph.

- **Sub-paragraph 3 (g):**
  - What is the legal basis for extradition? Does a law govern this, by treaties, or both? Are claims of political motivation recognized as grounds for refusing extradition of alleged terrorists?

    - Both, by treaties and law. Refer to the Extradition Bill.

- **Paragraph 4:**
  - Has Fiji addressed any of the concerns expressed in paragraph 4 of the Resolution?

The Law Enforcement Agencies and Regional Police network are collaborating with neighboring jurisdictions on the exchange and processing of information on crimes, on legislation, and other matters relating to security issues.

The Extradition Bill forms part of the composite legislation framework together with the other materials "Mutual Assistance" and "Proceeds of Crimes" Acts — with specific focus on the substance of this paragraph.

  - Could Fiji please provide an organizational chart of its administrative machinery, such as police, immigration control, customs, taxation and financial supervision authorities, established to give practical effect to the laws, regulations and other documents that are seen as contributing to compliance with the Resolution.

The organization charts of the Fiji Police, RBF, etc. are in Annex I.

We also attached two further documentations relating to FATF: the self-assessment questionnaire and the Draft Fiji Anti-Money Laundering Measures, which is marked "strictly confidential". We request that these documents are kept confidential.

- Please provide a copy of the Suppression of Terrorism Decree 1991.

Hard Copy is attached, along with the Extradition Bill, and the Passports Bill.

- The relevant web sites:

Reserve Bank of Fiji www.reservebank.gov.fj
Fiji Customs Service www.customs.gov.fj
Fiji Parliament www.parliament.gov.fj
Ministry of Foreign Affairs: www.foreignaffairs.gov.fj

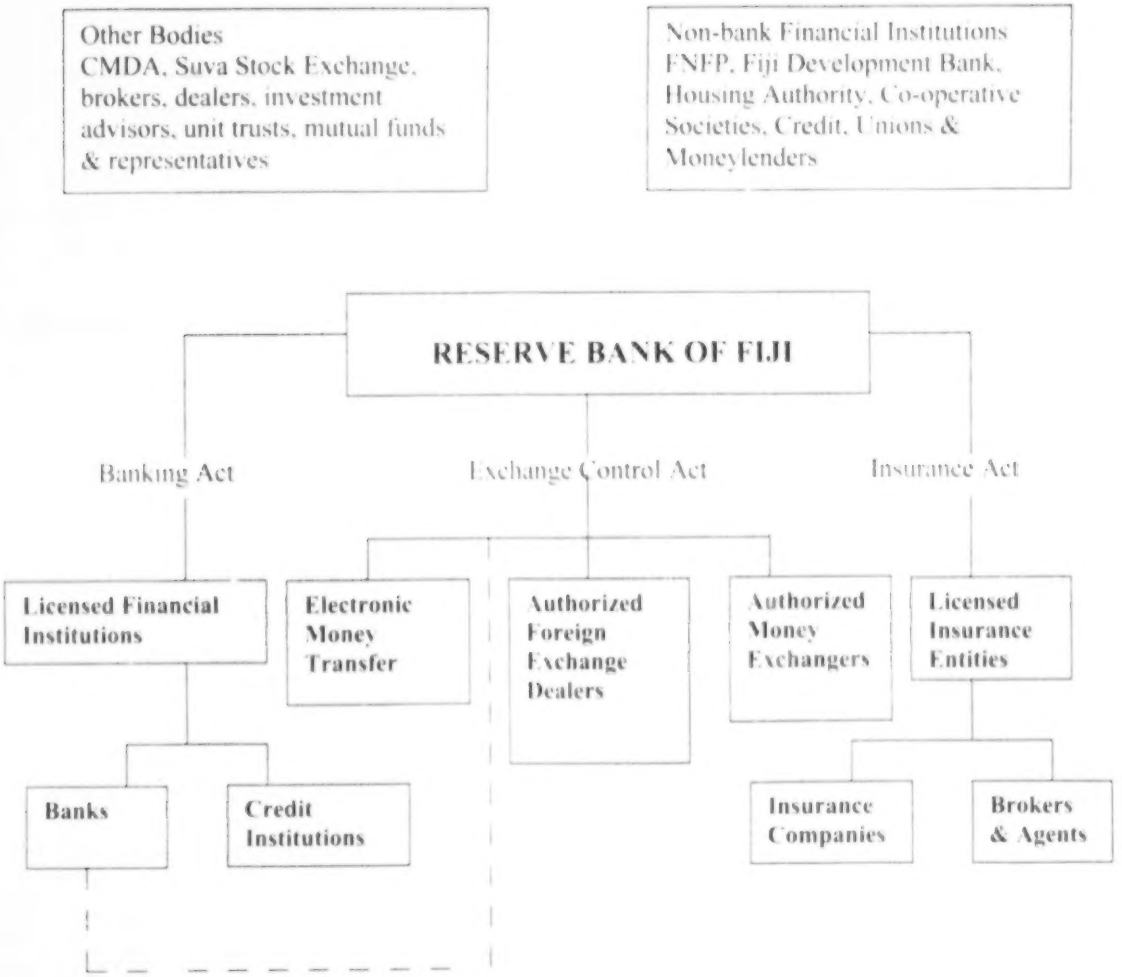
Annexes*

I. Organization Chart of the Reserve Bank of Fiji.
II. Organization Chart of the Fiji Police.
III. RBF Money Laundering Guidelines.
IV. Passports Bill, Extradition Bill.
V. Anti Money Laundering Measures.

* Annexes I and II have been attached hereto. Annexes III to V are on file with the Secretariat and are available for consultation.

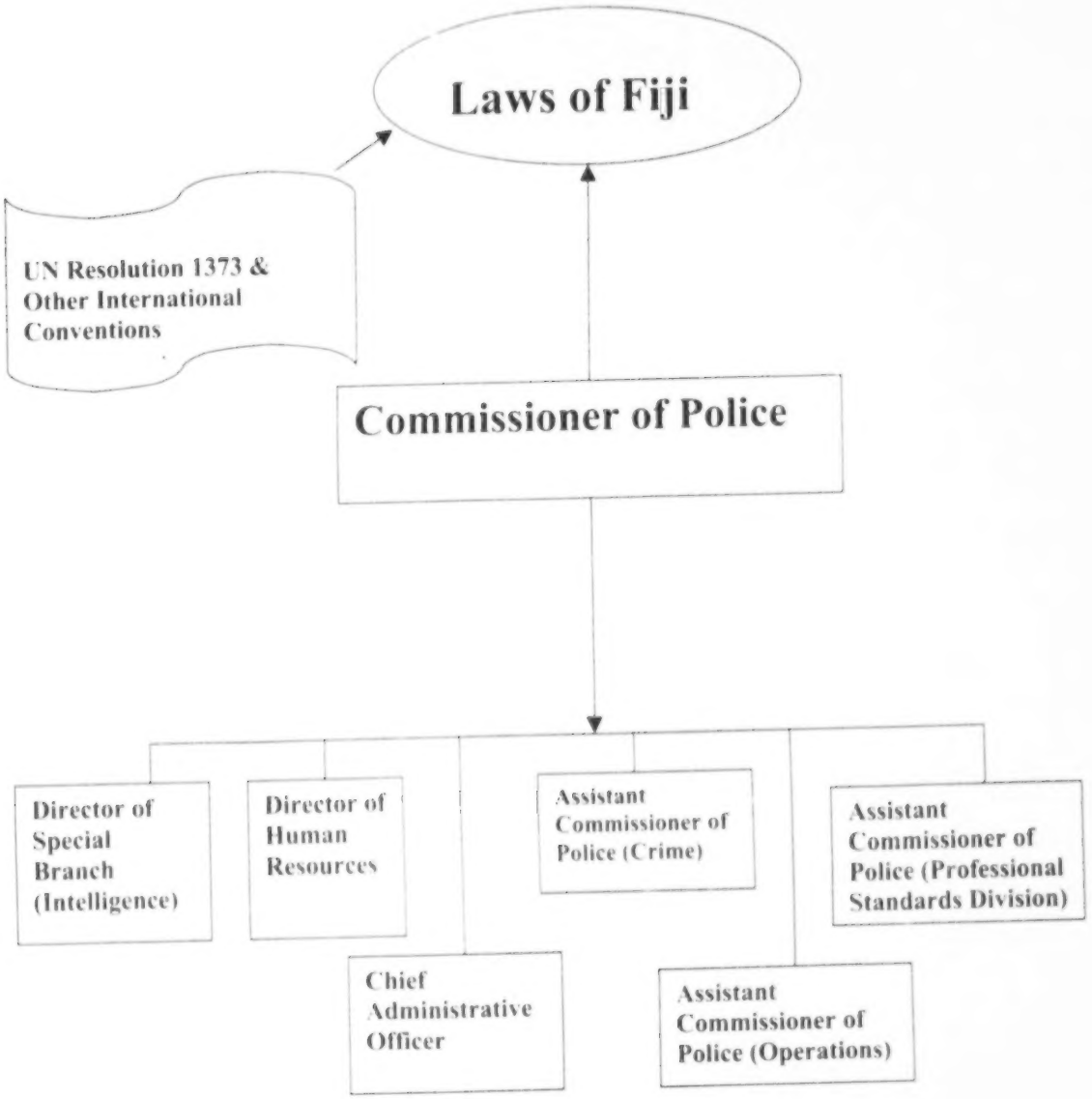
Annex I

THE FIJI FINANCIAL SYSTEM AND RESERVE BANK OF FIJI'S REGULATORY FRAMEWORK



Annex II

POLICE ADMINISTRATIVE MACHINERY


Laws of Fiji
UN Resolution 1373 & Other International Conventions
Commissioner of Police
Director of Special Branch (Intelligence)
Director of Human Resources
Chief Administrative Officer
Assistant Commissioner of Police (Crime)
Assistant Commissioner of Police (Operations)
Assistant Commissioner of Police (Professional Standards Division)